

Fax Cover Page

Additional Evidence attached to extend Time

Date: 12/6/2014

Time: 2:41:52 PM

Pages: 17

To: United States Department of Justice(DOJ)

Attn.: Office of Professional Responsibility(OPR)

From: Brian David Hill

Fax ID: 276-632-2599

I am faxing additional evidence to the Office of Professional Responsibility in attachment to the Complaint I, Brian David Hill, has filed against ERIC DAVID PLACKE in a fax I sent yesterday. I am providing you evidence of Eric Placke papers for your investigation. Disability Rights email were also attached as this email was sent also getting me to plead guilty and I believe it may have been right after I gave information to Placke on the Disability Rights Address and contact person, then he admitted to me during Attorney/Client visitation to have got in touch with the head person there. So he has persuaded getting others to get me to go along with the guilty plea. He also claimed that he does not think I was set up/framed then turned around and told me he thought I was guilty of the crime but later I discovered that he deleted the email attachment stating as on Page 12 of this Fax says attachment "Emails from Brian_s USWGO Google account.doc" deleted by Eric Placke/NCMF/04/FDO. That means he may not have even reviewed the attachments at all but just claimed he didm then stated my guilt.

Placke lied time and time again to my family, lied to the court, called me delusional, and did stuff behind the scenes. He never cared whether I was innocent or guilty otherwise he would have conducted a private investigation or used the public defender office's investigator as he bragged me me that the office had an investigator at an earlier time. Placke is one of the worst public defenders that the public defender office even had. This guy should not be a public defender.

Even writing this is overwhelming my head as there is too many things he did against me. This evidence may not even be all of it. I recommend agents come down to his office and go through his files on probable cause of his misconduct. THE DOJ/OPR needs to fully investigate Placke not just on the handling on my criminal case but on all the others as other inmates complained about Placke but did not know how to go filing a complaint.

VentaFax Cover Page

Date: 12/6/2014
Number of pages: 15
Attn.: Office of Professional Responsibility(OPR)
Recipient's number: +1(202)514-5050
Filename: C:\ProgramData\Venta\Fax & Voice 6\Out\COMPLAINT AGAINST Error Correction: Yes(Ready to FAX) (2014-12-06).tif
File description: COMPLAINT AGAINST PUBLIC DEFENDER(Ready to FAX).pdf Resolution: 200*200 dpi
Recipient's Fax ID:
Rate: 14400 bps
Time: 1:10:25 AM
Session duration: 13:30
To: United States Department of Justice(DOJ)
Message type: Fax
Record number: 91

PAGE 1 OF 15

Page 1/3 **12/06/2014 – COMPLAINT AGAINST PUBLIC DEFENDER– 1:02AM– Brian D. Hill**

COMPLAINT

against public defender for misrepresentation, bias, failing to perform his duties of representing his client and defending him in a criminal case, ineffective assistance of counsel, and having a only interest in a guilty plea deal ignoring all other options

Robin C. Ashton
Counsel
U.S. Department of Justice
Office of Professional Responsibility
950 Pennsylvania Avenue, N.W., Suite 3266
Washington, DC 20530-0001
Phone: (202) 514-3365
Fax: (202) 514-5050

CC: United States Department of Justice
Office of the Inspector General
Washington Field Office
1300 N. 17th Street, Suite 3200
Arlington, VA 22209
Phone: (202) 616-4766
Fax: (202) 616-9884

Note: The statements in this letter are declared under Oath/Declaration. Typed with the help of family.
If there is a form specific to filing this complaint then please notify me via mail so that I can file the complaint properly to the U.S. DOJ/OIG.

Dear Robin C. Ashton,
I wish to file a complaint/grievance against the following:

First Assistant Federal Public Defender
Eric David Placke
Arkansas State Bar No. 86207
North Carolina State Bar No. 20671
301 N. Elm Street, Suite 410
Greensboro, NC 27401
Phone: (336) 333-5455
E-mail: Eric_Placke@fd.org

Yes I wish to file a complaint against Eric D. Placke for misconduct, lack of professionalism, for not doing his job as a public defense attorney.

All for the allegations of misrepresentation, ineffective assistance of counsel, non-professional conduct, and conspiracy to give me no other choice but to take the guilty plea agreement, during his appointment to me as my legal counsel in Case 1:13-cr-00435-WO, United States of America v. Brian David Hill, Middle District of North Carolina.



Re: Brian D. Hill
Eric Placke to Stella & Ken

06/04/2014 11:07 PM

The Court held a status conference in Brian's case today. The Court noted the results of the evaluation, and in particular, the conclusion that Brian is competent to proceed. The Court denied Brian's pro se motions to suppress, and denied his request for new counsel. Most concerning, the Court set trial in the matter for next Monday, June 9, 2014. Unfortunately, I was not able to speak with Brian after court, and I am leaving town tomorrow morning and will not return until Sunday evening. I have filed a motion to continue the trial until the July 2014 Criminal Term. I am mailing Brian a copy of the motion and proposed order, and also explaining to him that, late today, the government forwarded a very favorable proposal for a plea agreement. I will meet again with Brian as soon as I can after I return. In the meantime, he will certainly benefit from any emotional support you can provide.

Eric D. Placke
First Assistant Federal Public Defender
Middle District of North Carolina
301 N. Elm St., Ste. 410
Greensboro, NC 27401
voice: 336.333.5455, ext 228
fax: 336.333.5463

Stella & Ken

Mr. Placke, We received a call from Brian this e...

06/04/2014 03:54:31 PM

From: Stella & Ken <kenstella2007@comcast.net>
To: Eric Placke <eric_placke@fd.org>
Date: 06/04/2014 03:54 PM
Subject: Brian D. Hill

Mr. Placke,

We received a call from Brian this evening. He told us he has a continuation hearing tomorrow, June 4, 2014. He sounded very confused about it and we are not sure if he is correct about this information. Could you please email or call us to let us know what is going on with his case and the outcome of his psychological evaluation? You can contact us at this email address or by telephone at 276-632-2599.

Thank You and please let us know the status of Brian's case.

Sincerely,

Kenneth & Stella Forinash (Brian's Grandparents)
Roberta Hill (Brian's Mother)



**North Carolina Department of Public Safety
Office of Executive Clemency**

Pat McCrory
Governor

Frank L. Perry
Secretary

July 25, 2014

Mr. Brian Hill
Guilford County Jail
201 South Edgeworth Street
Greensboro, North Carolina 27401

Dear Mr. Hill:

This office is in receipt of your letter sent to Senator Kay Hagan's office requesting help in your case.

The Governor's jurisdiction over Executive Clemency does not extend to Federal convictions; therefore, this office is unable to help you with your request. You might consider contacting the United States Department of Justice at the address below:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Sincerely,

A handwritten signature in black ink, appearing to read "Lea Anne Murphy".

Lea Anne Murphy
Assistant to
Governor's Clemency Administrator

LM :

4294 Mail Service Center, Raleigh, North Carolina 27699-4294 • Email: clemency@nc.gov

COPY

August 4, 2014 Page 8 of 16

Dear Eric D. Placke,

Aug. 29, 2012 - On the day I was forced to falsely confess, Charles Caruso approached me and it was while my mother was being interrogated, I was alone in the police station in Mayodan NC around close to lunch time on August 29, 2012. Caruso told me "This is serious." then said "... I know about the article you written on the Town Council." "I never made you leave, I only asked you to leave" and before that he accused me of slander saying "What you said is slander, I never made you leave and so on and so forth. My family has a digital copy on admin@uswap.com email account of that article that Caruso the Mayodan Police Chief was referring to. I also may have a printout which my grandma can fax you. With the anger he had over my news article making it no secret, he should not have been involved in my case at all yet he was involved which I have proof of. Caruso told a lawyer Beverly Smith at Levin, Melvin, and Woodall LLP law firm that I was facing Federal Indictment, then I sent a fax to Ripley Rand in 2013 asking about Caruso's indictment threat but never got a reply from his office. My family has this evidence on email including a bullet point affidavit on what the police have done to me.

Brian D. Hill

**FEDERAL PUBLIC DEFENDER
MIDDLE DISTRICT OF NORTH CAROLINA**

LOUIS C. ALLEN
Federal Public Defender

JOHN A. DUBERSTEIN
JOHN A. DUSENBURY, JR.
KATHLEEN A. GLEASON
TIFFANY T. JEFFERSON
ERIC D. PLACKE
Assistant Federal Public Defenders

301 North Elm Street, Suite 410
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251 N. Main Street
Suite 849, Federal Building
Winston-Salem, NC 27101
Tel. (336) 631-5278
Fax: (336) 631-5280

August 7, 2014

Mr. Brian D. Hill
Guilford County Jail
201 S. Edgeworth Street
Greensboro, NC 27401

Dear Mr. Hill,

I am sorry I was not in when you called recently; however, I did receive your voice mail message. I have also received and reviewed your letters of July 31, 2014, August 3, 2014, and August 4, 2014, as well as the July 29, 2014 declarations enclosed with the most recent letter. Finally, I have received and reviewed all of the pictures, emails and other documents you asked your grandparents to collect and forward to me. I look forward to discussing all of these materials with you, and will meet with you again as soon as I am able to do so.

In the meantime, enclosed are copies of two decisions from the United States Court of Appeals for the Fourth Circuit regarding withdrawal of a plea of guilty. In the first decision, the Fourth Circuit explained that "a defendant does not have an absolute right to withdraw a guilty plea, even before sentencing," and set out a non-exclusive list of six factors district courts should consider in evaluating such requests. *United States v. Moore*, 931 F.2d 245, 248 (4th Cir.), *cert. denied*, 502 U.S. 857 (1991). The second, much more recent, decision indicates that the Fourth Circuit still applies the same rules with respect to requests to withdraw guilty pleas. *United States v. Nicholson*, 676 F.3d 376, 383-85 (4th Cir. 2012). As you will see, it is very difficult for a defendant who has pled guilty to withdraw such a plea. Please review these decisions carefully so that we can discuss them at our next meeting.

Again, I will meet with you as soon as my schedule permits.

Sincerely,



Eric D. Placke
First Assistant Federal Public Defender

Subject: Brian Hill
From: John Rittelmeyer (john.rittelmeyer@disabilityrightsnc.org)
To: kenstella2007@yahoo.com;
Date: Tuesday, July 8, 2014 4:01 PM

Mr. & Mrs. Forinash –

I received today a series of letters from your grandson Brian Hill, and I must tell you that the content of these letters cause me to be very concerned for his mental health. Brian has apparently been sending letters to a number of public figures – from Senator Kay Hagan to President Obama – that plead with them to intervene on his behalf so that he won't have to plead guilty and to register as a sex offender. In addition he's also stating that he wants to fire his attorney and withdraw his guilty plea, in addition to making charges that his confession was coerced and that he was framed.

I have sympathy for Brian's situation – he's in a very stressful environment and facing a system that is very foreign to him. That being said, it is not helping his situation to make these charges against the arresting officers, various local political figures and against his own public defender. Part of the guilty plea / sentencing process involves the drafting of a "Pre-Sentencing Report," a document that is submitted to the judge to give him a sense of Brian's culpability. If Brian continues to make these kinds of provocative statements and charges, it's likely that some of his words could find their way into this report and thus be used against him at sentencing. That would be tragic.

I'd suggest that you try to obtain mental health services (or at the very least psychiatric medication) for Brian until his sentencing hearing is concluded. He's obviously extremely upset and agitated at present.

Also, please tell Brian that Disability Rights North Carolina has not agreed to represent him – we only have offered to assist his federal public defender.

Regards,

John R. Rittelmeyer
Litigation Director
Disability Rights NC
3724 National Drive, Suite 100
Raleigh, NC 27612
Phone: 919-856-2195
TTY: 1-888-268-5535
Fax: 919-856-2244
john.rittelmeyer@disabilityrightsnc.org

www.disabilityrightsnc.org

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Stella & Ken

From: "Eric Placke" <Eric.Placke@fd.org>
Date: Thursday, August 7, 2014 7:39 PM
To: "Stella & Ken" <kenstella2007@comcast.net>
Cc: <kenstella2007@yahoo.com>; <rbhill67@yahoo.com>
Subject: Re: Emails Brian Hill asked us to send to you to support his case

Mr. and Mrs. Forinash and Ms. Hill

Yes, I received this email and its attachment. I also received your email of July 14, 2014, which you resent on July 31, 2014, and all of its attachments. I have reviewed all of the material you forwarded on Brian's behalf. There is no question, nor was there any question even before I reviewed these materials, that Brian had been very interested in, and vocal about, various issues, that he was very active on the Internet with respect to those issues, that he appeared at various public events to discuss those issues with public officials, and that on at least one occasion, he was escorted out of a meeting. However, I am not aware of any credible evidence that Brian was "framed," or "set up" by anyone. Even if Brian may have annoyed some of those public officials, I do not believe they would have perceived him as a serious threat to their political careers. Moreover, I believe it is very unlikely they would risk their careers to "frame" him or "set him up." Most important of all, in my judgment it is not realistic to believe that, even if they were so inclined, those public officials command the necessary resources - political, financial or technical - to "frame" Brian or "set him up" by planting child pornography on his computer. In any event, it is important to remember that Brian pled guilty pursuant to a very favorable plea agreement, and if he asks the Court to allow him to withdraw his guilty plea, he could very well end up in a much worse position. I do not believe it is in Brian's best interest to encourage him to ask to withdraw his plea of guilty, nor do I believe it is in Brian's best interest to encourage him to continue asserting that he was "framed" or "set up."

I understand your concern for Brian, and your interest in seeing that he is treated well and fairly. I appreciate your continued close involvement with his case. For Brian's sake, I urge you not to encourage or assist behavior on his part that will likely only make things worse for him.

Eric D. Placke
 First Assistant Federal Public Defender
 Middle District of North Carolina

12/6/2014

301 N. Elm St., Ste. 410
Greensboro, NC 27401
voice: 336.333.5455, ext 228
fax: 336.333.5463

From: Stella & Ken <kenstella2007@comcast.net>
To: Eric Placke <eric_placke@fd.org>
Cc: kenstella2007@yahoo.com, rbhill67@yahoo.com
Date: 08/07/2014 09:45 AM
Subject: Emails Brian Hill asked us to send to you to support his case

Mr. Placke,

The attached word document is a list of emails Brian asked us to forward to you to support his case. Let us know if there is any additional evidence you need, or if you need anything directly from Brian's email.

Please let us know you received this email.

Sincerely,

Stella & Ken Forinash
Roberta Hill[attachment "Emails from Brian_s USWGO Google account.doc"
deleted by Eric Placke/NCMF/04/FDO]

12/6/2014

page

Complaint

Page 12 of 16
HAND WRITTEN
COPY

1/2

Dear United States Department Of Justice,
I, Brian David Hill, file prose a complaint with the Justice Department on ~~RE~~ ERIC DAVID PLACKE, the Assistant Federal Public Defender of the Middle District of North Carolina. The complaint alleges that PLACKE has misrepresented me as counsel, has been ineffective as assistance of counsel, and has made statements that make me question his competence as counsel. I file evidence in declarations attached to this complaint as Attachment A and B documents, to back this complaint up with raw material facts why PLACKE is not appropriate as counsel. PLACKE should be ordered to withdraw himself as counsel in my criminal case docket #1:13CR435-1, United States of America vs. Brian David Hill, then I should be appointed new counsel that is effective, represents, and is competent. PLACKE has a history in case records of misrepresentation and ineffective assistance of counsel in the 4th circuit court of appeals. The history of some cases is U.S. vs. Cassidy and Edwards vs. United States District Court. For good cause shown with a basis, I ask that the DOJ investigate PLACKE then remedy the situation by providing me effective ~~that is not my guilty~~ representation of counsel immediately. I ask the DOJ to also help me withdraw my guilty plea or grant me a pardon for my conviction. Respectfully filed and submitted with the U.S. DOJ on August 17, 2014.

Brian D. Hill
signed

Brian David Hill
Federal Inmate of Guilford County Jail
#964186

201 S. Edgeworth St.
Greensboro, NC 27401-2315
admin@usngo.com

HAND
WRITTEN
COPY

Attachment A

page
2/2

Competence of counsel questioned

I, Brian David Hill, declare under penalty of perjury that the foregoing is true and correct. Executed on August 17, 2014.

Brian D. Hill
Signed

Statement:

- On the June 18, 2014 letter sent to me from counsel Eric Placke it had errors and mistakes that competent counsel normally doesn't make.
 - (1) When he sent the letter in, even though the public defender office and Jail are within the same city, the same zip code, he sent it to me with the zip code 27101 instead of 27401.
 - (2) In the letter he stated multiple times that I was at FMC Butner. The truth was I was at FCI Butner, NC which is the Federal Correctional Institution. When I sent mail to Placke every envelope was ~~pre~~ pre-labeled with the FCI ¹ prison address which are given to inmates free of charge except it didn't have a one in front of FCI. The label has a slot for the name and registration #, Federal Correctional Institution, the P.O. Box #, then Butner, NC. There was no evidence I was getting the evaluation at FMC yet my attorney stated FMC.
 - (3) In the letter he stated that my psychosexual evaluation was conducted by "Dr. Hirsch". In the business card given to me by the psychologist that conducted the evaluation he was named "Keith R. Hersh" not Hirsch. Placke misspelled the name of the psychologist.
 - After all the evidence I and my family sent to Placke proving I was set up with child pornography, he sent a email to my family stating that he didn't think I was set up.
- This Attorney does not seem to state the facts that competent counsel would.

page
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Attachment B

Page 14 of 16
HANDWRITTEN
COPY

Misrepresentation and Ineffective Counsel

I, Brian David Hill, declare under penalty of perjury that the foregoing is true and correct. Executed on August 17, 2014.

Statement:

Brian D. Hill
signed

- At the start of my case Placke told me I would face 5-20 years in prison. Then he admitted to making a error then I was told I would have faced 0-10, yes zero to ten years in prison. Then in Orange County Jail while persuading me to take the guilty plea agreement at visitation, he then informed me that I would face up to 20, yes twenty max in prison according to my offense level under the U.S. Sentencing guidelines. Not only did Placke gave me the wrong sentence range, he also did not inform me that I could face up to twenty years in prison until he explained to me why I should take the guilty ~~plea~~ plea agreement. I feel he deceived me to persuade me to take the plea.
- I gave declarations to Placke via U.S. Mail and my family sent evidence to Placke on my request. Then my mother told me when I called her via paytel that Placke sent my family a email saying that he didn't think I was set up with child porn, which contradicts all my evidence and statements.
- Placke admitted to me that he wasn't for suppression of evidence when I written to him that I wanted to suppress the evidence and confession because I had a basis. I told him and written to him that I was threatened by Caruso to "Fess Up!" which is a basis for a involuntary confession. In addition I was coerced as well, aware I had mild autism. Placke ignored this information and would not move to suppress the confession as I asked him to. That was why I filed motions pro se to try to do what counsel refused to do.

HAND
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COPY

Attachment B (cont.)

Page
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Misrepresentation and Ineffective Counsel

- I written to Placke a suggestion of witnesses to aid in my defense. He never called forth any witnesses in my case. He ignored my suggestion of witnesses.
- When I told him I wanted to get the media involved he would not allow it ~~at~~ at all.
- When I told him and written to him that I suspect some or most of my prose motions and evidence was covered up or ~~lettered~~ with, all he did was print the docket list which helped but did no further investigation to my knowledge. Even told me not to write any more letters. That means Placke is allowing my evidence that I sent prose to disappear since I am working outside of my counsel.
- He did meet with me concerned of the letters I was writting in late July 2014. Told me that he will meet me again in two weeks to discuss the stuff I brought to his attention. It is past two weeks and no attorney visit. He did sent me another letter with documents on August 7 2014 stating that it is very difficult to withdraw my guilty plea. I sent him declarations for a credible claim of Innocence and other written letters and my family sent evidence via email to Placke. Then he sent that email telling my family that he did not think I was set up, my mom told me. Placke is not a Judge, he is not a prosecutor, yet he assumes my guilt and thinks himself that I was not set up after evidence was sent to him on me being set up.
- Placke has failed me as counsel, Placke has failed to represent me, and didn't do what I asked him to do to the best of his abilities.

**FEDERAL PUBLIC DEFENDER
MIDDLE DISTRICT OF NORTH CAROLINA**

LOUIS C. ALLEN
Federal Public Defender

JOHN A. DUBERSTEIN
JOHN A. DUSENBURY, JR.
KATHLEEN A. GLEASON
TIFFANY T. JEFFERSON
ERIC D. PLACKE
Assistant Federal Public Defenders

301 North Elm Street, Suite 410
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Branch Office

GREGORY DAVIS
Senior Litigator

ELIZABETH A. FLAGG
Research & Writing Attorney
MIREILLE CLOUGH
Assistant Federal Public Defender
251 N. Main Street
Suite 849, Federal Building
Winston-Salem, NC 27101
Tel. (336) 631-5278
Fax: (336) 631-5280

August 28, 2014

Mr. Brian D. Hill
Guilford County Jail
201 S. Edgeworth Street
Greensboro, NC 27401

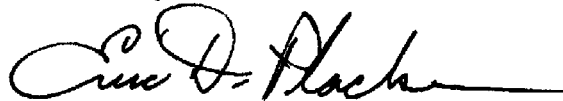
Re: United States of America v. Brian David Hill, 1:13CR435-1

Dear Mr. Hill:

Enclosed is your copy of the Motion to Withdraw as Counsel of Record, and to Extend Deadline for Filing Sentencing Position Papers I filed yesterday evening with the Court. I anticipate the Court will schedule a hearing on the motion in the near future.

Also enclosed is your copy of the Sealed Response to Draft Presentence Report in which the Government indicates that it has no objections to the report. As I explained yesterday, I have filed several objections to the presentence report, and I will continue pursuing them on your behalf as long as I remain counsel of record in your case.

Sincerely,



Eric D. Placke
First Assistant Federal Public Defender

Enclosures